

Meeting Minutes

March 18, 2022

Board of Accountancy

Department of Business and Professional Regulations

Division of Real Estate Board Room,

400 W. Robinson Street, Suite N901, Orlando, Florida 32801

Notice

Friday March 18, 2022

The meeting was called to order at 9:00 a.m. Roll call of Attendees was called by Roger Scarborough, Director and reflected the following persons present:

Board Members

Steve Platau (Chair)	Present
Brent Sparkman	Present
Jason Lafser	Present
Tracy Keegan	Present
Shireen Sackreiter	Excused Absence
Michelle Maingot	Present
William Benson	Present
William Blend	Present
Caridad Vasallo	Present

Staff

Roger Scarborough	Present
Kevin Brown	Present

Rachelle Munson, Senior Assistant Attorney General and Board Counsel. Danijela Janjic, Chief Attorney, Office of the General Counsel. Joseph Klein, Assistant General Counsel, Office of the General Counsel. The court reporter was Donna Wolk. Ms. Keegan left the meeting at 12:40pm.

1. Approve Minutes

a. January 28, 2022

Motion was made by Mr. Blend, seconded by Mr. Sparkman, to approve minutes as presented. Upon vote, the motion passed unanimously.

2. OGC Final Action

a. 2019058643 Kratzke, David S.

Mr. Kratzke was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Mr. Sparkman to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Mr. Sparkman to accept the recommended penalties with an amendment that the fine is reduced to \$1500. Upon vote, the motion passed unanimously.

b. 2019058329 Kistler, Elaine S.

Ms. Kistler was not present.

Mr. Klein presented the case.

Motion was made by Ms. Keegan, seconded by Mr. Benson to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact and

accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Mr. Benson, seconded by Mr. Blend to accept the recommended penalties. Upon vote, the motion passed unanimously.

c. 2019008235 Breedlove, Areanne L

Ms. Breedlove was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Benson to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Ms. Maingot, seconded by Mr. Benson to accept the recommended penalties with an amendment that the fine is reduced to \$1500. Upon vote, the motion passed unanimously.

d. 2020003518 Keefe, Pierce Russell

Mr. Keefe was not present.

Ms. Keegan and Mr. Benson were recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Sparkman to acknowledge that Respondent was properly served, and qualifies to have a hearing before the Board involving no disputed issues of material fact and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Blend, seconded by Ms. Maingot to accept the recommended penalties. Upon vote, the motion passed unanimously.

e. 2020003597 Rudner, Marc A

This item was continued

f. 2019057262 Bowman, John N.

Mr. Bowman was not present.

Mr. Klein presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Sparkman to adopt the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

g. 2020000905 Zhang, Xuqing

M. Zhang was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Mr. Lafser, seconded by Ms. Maingot to adopt the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

h. 2019061573 Grieb, Joshua A.V.

Mr. Grieb was not present.

Ms. Keegan and Mr. Platau were recused.

Mr. Klein presented the case.

Motion was made by Mr. Benson, seconded by Ms. Maingot to adopt the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

i. 2020000934 LaBeau, Heather Lee

Ms. LaBeau was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Blend to reject the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

j. 2020004420 Sperry, Steven M.

Mr. Sperry was not present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Mr. Benson to adopt the terms of the proposed Settlement Stipulation. Upon vote, the motion passed unanimously.

k. 2019011977 Fleishman, Philip S.

Mr. Fleishman was present.

Ms. Keegan was recused.

Mr. Klein presented the case.

Motion was made by Mr. Blend, seconded by Mr. Benson to acknowledge that Respondent was properly served, and returned an Election of Rights form requesting to waive their right to any form of hearing and have a Final Order entered and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Ms. Maingot, seconded by Mr. Blend to accept the recommended penalties. Upon vote, the motion passed unanimously.

l. 2019059744 Willis, C Keith

Mr. Willis was not present.

Ms. Keegan and Mr. Benson were recused.

Ms. Janjic presented the case.

Motion was made by Mr. Lafser, seconded by Mr. Sparkman to close the case. Upon vote, this motion passed unanimously.

m. 2019005464 Pei, Lin

Ms. Pei was not present.

Ms. Keegan was recused.

Ms. Janjic presented the case.

Motion was made by Mr. Lafser, seconded by Ms. Maingot to acknowledge that Respondent was properly served, and failed to file an Election of Rights form or otherwise establish a disputed issue of material fact in response to the Administrative Complaint, pursuant to Rule 28-106.111, Florida Administrative Code and accept the allegations of fact and violations of law set forth in the Administrative Complaint as the Board's findings of fact and conclusions of law. Upon vote, the motion passed unanimously.

Motion was made by Mr. Benson, seconded by Mr. Blend to accept the recommended penalties. Upon vote, the motion passed unanimously.

3. Petition for Variance or Waiver of Rule

a. Dieguez, Frank

Mr. Dieguez was present.

Motion was made by Mr. Benson, seconded by Ms. Keegan, to approve the petition for permanent variance for Rule 61H1-28.0052(1) (b), F.A.C. Upon vote, the motion passed with Ms. Vasallo voting no.

b. Elmaleh, Michael

Mr. Elmaleh was not present.

Motion was made by Mr. Benson, seconded by Mr. Blend, to deny the petition for permanent variance for Rule 61H1-33.006, F.A.C. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

c. Gajowiak, Matthew

Mr. Gajowiak was present.

Motion was made by Mr. Benson, seconded by Mr. Sparkman, to approve the petition for permanent variance for Rule 61H1-28.0052(1) (b), F.A.C. Upon vote, the motion passed unanimously.

d. Miller, Brita

Ms. Miller was present.

Motion was made by Ms. Maingot, seconded by Mr. Benson, to approve the petition for permanent variance for Rule 61H1-28.0052(1) (b), F.A.C. Upon vote, the motion passed unanimously.

e. Truong, Lai

Ms. Truong was present.

Motion was made by Ms. Keegan, seconded by Ms. Maingot, to approve the petition for permanent variance for Rule 61H1-28.0052(1) (b), F.A.C. Upon vote, the motion passed with Mr. Sparkman voting no.

4. Exams – Considerations

a. Anish, Evan

Mr. Anish was present.

Motion was made by Ms. Keegan to approve for convictions only, and was subsequently withdrawn. Mr. Anish withdrew his application at the meeting.

b. Ho, Jacy G.

Ms. Ho was present.

Motion was made by Mr. Sparkman, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed with Mr. Lafser, Mr. Platau and Ms. Maingot voting no.

c. Livingstone, Phineas J.

Mr. Livingstone was present.

Mr. Lafser was recused.

Motion was made by Ms. Maingot, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

d. Mangal, Desmond

Mr. Mangal was present.

Mr. Mangal withdrew his application at the meeting.

e. Myers, Christopher H.

Mr. Myers was present.

Motion was made by Mr. Blend, seconded by Mr. Lafser, to approve for convictions only. Upon vote, the motion passed unanimously.

f. Quadagno, Jennifer T.

Ms. Quadagno was not present.

Motion was made by Mr. Benson, seconded by Mr. Blend, to approve for convictions only. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

g. Twitty, Brandy N.

Ms. Twitty was present.

Motion was made by Ms. Keegan, seconded by Mr. Lafser, to approve for convictions only. Upon vote, the motion passed unanimously.

h. Vasquez, Anthony A.

Mr. Vasquez was present.

Motion was made by Mr. Blend, seconded by Mr. Benson, to approve for convictions only. Upon vote, the motion passed with Ms. Vasallo, Ms. Maingot and Mr. Platau voting no.

5. Endorsement – Considerations

a. Birkholz, Jared A.

Mr. Birkholz was not present with Mr. Jon Zachem present as counsel.

Motion was made by Mr. Benson, seconded by Ms. Keegan, to approve for question five only. Upon vote, the motion passed unanimously.

b. Diaz, Marisa N.

Ms. Diaz was not present.

Motion was made by Mr. Benson, seconded by Mr. Sparkman, to approve for question five only. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

c. Goldstein, Margaret M.

Ms. Goldstein was present.

Motion was made by Ms. Keegan, seconded by Mr. Sparkman, to approve for question five only. Upon vote, the motion passed unanimously.

d. Kersting, Alexis N.

Ms. Kersting was present.

Motion was made by Mr. Benson, seconded by Mr. Platau, to approve for question four/five only. Upon vote, the motion passed unanimously.

e. Knazick, Curtis S.

Mr. Knazick was not present.

Motion was made by Mr. Sparkman, seconded by Mr. Benson, to approve for question two only. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

f. Phillips, John H.

Mr. Phillips was present.

Motion was made by Mr. Benson, seconded by Mr. Sparkman, to approve for questions two and four only. Upon vote, the motion failed with Mr. Platau, Mr. Lafser, and Ms. Maingot voting no.

- g. Rezikyan, Karen

Ms. Rezikyan was present.

Motion was made by Mr. Sparkman, seconded by Ms. Maingot, to approve for question four only. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

- 6. Endorsement – Military Staff Approvals
 - a. Jamieson, Liezl Culminas

This was an informational item

- 7. Maintenance and Reactivation – Considerations
 - a. Begault, Angela Y.

Ms. Begault was not present.

Motion was made by Mr. Benson, seconded by Ms. Vasallo, to deny the application. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

- 8. Maintenance & Reactivation – Null and Void
 - a. Beveridge, Nicholas E.

Mr. Beveridge was present.

Motion was made by Mr. Benson, seconded by Mr. Blend, to approve the request to reinstate the applicant's null and void license. Upon vote, the motion passed unanimously.

- b. Garcia, Germa

Ms. Garcia was not present.

Motion was made by Mr. Benson, seconded by Ms. Maingot, to deny the request to reinstate the applicant's null and void license. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

- c. Johnson, Lewis V.

Mr. Johnson was present.

Motion was made by Ms. Keegan, seconded by Mr. Lafser, to approve the request to reinstate the applicant's null and void license. Upon vote, the motion passed unanimously.

- d. Madden, George A.

Mr. Madden was not present.

Motion was made by Mr. Benson, seconded by Mr. Blend, to deny the request to reinstate the applicant's null and void license. Upon vote, the motion passed with Ms. Vasallo voting no. Ms. Keegan was not present for this vote.

- e. Talati, Punam A.

Ms. Talati was present.

Motion was made by Mr. Blend, seconded by Ms. Keegan, to approve the request to reinstate the applicant's null and void license. Upon vote, the motion passed with Mr. Platau voting no.

- 9. Maintenance & Reactivation – Voluntary Relinquishment

Motion was made by Mr. Blend, seconded by Mr. Lafser, to ratify list as presented. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

10. Reports

a. Chief Attorney Report

Ms. Janjic presented the Chief Attorney Report.

Motion made by Ms. Maingot, seconded by Mr. Sparkman to continue prosecuting year old cases. Upon vote, this motion passed unanimously. Ms. Keegan was not present for this vote.

11. Committee Discussion

a. Budget Task Force (December 13, 2021)

Mr. Sparkman presents the minutes and decisions made by the committee to be discussed, approved and ratified by the board.

Motion made by Ms. Maingot, seconded by Mr. Blend to approve the minutes and ratify the decisions of the committee. Upon vote, the motion passes unanimously. Ms. Keegan was not present for this vote.

b. Education Advisory Committee (February 8, 2022)

Mr. Platau presents the minutes and decisions made by the committee to be discussed, approved and ratified by the board.

Motion made by Mr. Benson, seconded by Ms. Maingot to approve the minutes and ratify the decisions of the committee. Upon vote, the motion passes unanimously. Ms. Keegan was not present for this vote.

c. Rules Committee (March 4, 2022)

Mr. Blend presents the minutes and decisions made by the committee to be discussed, approved and ratified by the board.

Motion made by Ms. Maingot, seconded by Mr. Benson to approve the minutes and ratify the decisions of the committee. Upon vote, the motion passes unanimously. Ms. Keegan was not present for this vote.

12. Rules

a. March 2022 Rules Report

Ms. Munson presented the March rules report.

b. CPE Reporting System Rule Changes

Mr. Scarborough presented changes to Rules 61H1-20.001, 26.005, 33.001, 33.003, 33.0033, 33.006, and 36.004 as recommended by the Rules Committee.

Motion made by Mr. Benson, seconded by Ms. Maingot to accept the recommended changes as presented from Board Counsel and Staff concerning Rules 61H1-20.001, 26.005, 33.001, 33.003, 33.0033, 33.006, and 36.004 F.A.C. Ms. Keegan was not present for this vote.

Motion made by Ms. Maingot, seconded by Mr. Blend for that the proposed Rules 61H1-20.001, 26.005, 33.001, 33.003, 33.0033, 33.006, and 36.004 F.A.C. would not have an adverse impact on small business or likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule and this rule or any part of this rule will not be designated a minor violation. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

c. Supplemental Materials

i) JAPC Letter, Response and Notice of Proposed Rule (Chapter 61H1-30)

Ms. Munson discussed the JAPC letter and response to their observations concerning Chapter 61H1-30 F.A.C.

Motion made by Mr. Sparkman, seconded by Mr. Blend to accept the recommended changes from Board Counsel concerning Rule 61H1-30.040 (3) F.A.C and to make further changes to Chapter 61H1-30 F.A.C. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

Motion made by Ms. Maingot, seconded by Mr. Blend for that the proposed Chapter 61H1-30 would not have an adverse impact on small business or likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule and this rule or any part of this rule will not be designated a minor violation. Upon vote, the motion passed unanimously. Ms. Keegan was not present for this vote.

13. Administration

- a. Remarks from Chair

None at this time.

- b. Remarks from Executive Director

Mr. Scarborough provided an update on the CPA Exam Evolution.

- c. Update from Board Member(s) serving on NASBA Committees

Mr. Platau provided an update from the NASBA Ethics Committee.

14. Florida Institute of Certified Public Accountants

There were no remarks from any representative of the FICPA at this meeting.

15. Public Comments

There were none at this time.

16. Old Business

None at this time.

17. Other Business

None at this time.

18. Adjourn

The meeting was adjourned at 3:30 p.m.



Steven Platau, Chair

June 9, 2022

Date